

11/26/04

Cygnus Docket C011.02
Serial No. 10/810,412
Third Party Submission
PATENT

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail" service under 37 C.F.R. § 1.10 on the date indicated above with sufficient postage and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Gary R. Fabian

Printed Name

EL439620023US

Express Mail" Mailing Label No.

Gary R. Fabian

Signature

24 Nov 2004

Date of Deposit

RECEIVED
DEC 02 2004
TECHNOLOGY CENTER R3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Asano, Kaoru; Maekawa, Yasunori; Sawa, Kennichi; Sato, Toshiyuki; and Okada, Seiki	Examiner: not yet assigned
Patent Publication No: US 2004/0193219 A1	Group Art Unit: not yet assigned
Application Published: 30 September 2004	
U.S. Patent Application No: 10/810,412	
Filing Date: 25 March 2004	
Filing Date of Third Party Submission: Concurrently herewith	
Identification of Third Party Requestor: John C Hodgman, Cygnus, Inc.	
Title: EXTRACTION DEVICE, ANALYZER, EXTRACTION METHOD, AND ANALYSIS METHOD	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Transmittal Letter and Request for Third-Party Submission in Published Application Under 37 C.F.R. §1.99

Sir:

1. This is a request for a Third Party Submission in Published Application Under 37 C.F.R. §1.99 for above-identified Pub. No. US 2004/0193219 A1, U.S. Patent Application Serial No. 10/810,412. The application was published on 30 September 2004. Accordingly, this paper is being filed within two months of the publication date as required by 37 C.F.R. §1.99 (i.e., before 30 November 2004).

11/30/2004 AMONDAF1 00000030 034058 10810412

01 FC:1806

180.00 DA

2. According to 37 C.F.R. §1.99(a):

A submission by a member of the public of patents or publications relevant to a pending published application may be entered in the application file if the submission complies with the requirements of this section and the application is still pending when the submission and application file are brought before the examiner.

The above-identified requestor submits that the references cited in the accompanying Form PTO-1449 (Modified) are relevant to the pending, published application serial number 10/810,412. The requestor asks that cited references be considered by the Examiner during prosecution of this application.

3. Enclosed are the following documents for filing in this Third Party Request:

- ☒ A list of the patents or publications submitted for consideration by the Office, including the date of publication of each patent or publication (see, accompanying modified form 1449);
- ☒ A copy of each listed patent (34 U.S. Patents) and each publication (20 publications) in written form;
- ☒ All patents and publications are in English;
- ☒ The submission was served upon the applicant in accordance with § 1.248 (see certification below); and
- ☒ A self-addressed, stamped postcard accompanies this request so that the Third Party Requestor may receive an acknowledgment by the U.S. Patent and Trademark Office that the submission has been received.

4. Payment of Fees

- ☒ The Commissioner is hereby authorized to charge the fee under 37 C.F.R. 1.17(p) to Deposit Account No. 03-4058 in the amount of \$180.00 for the filing fee.

5. Certification of Service: It is certified by the undersigned that a copy of this request, which is being filed by a Third Party Requestor, has been served in its entirety on the patent owner as provided in 37 CFR 1.33(c) on even-date of the mailing of this paper; service was via U.S. Postal Service Express Mail, Express Mail Label No. EL439620037US. The name and address of the party served are:

Tadashi Horie
Reg. No. 40,437 (Attorney of Record)
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

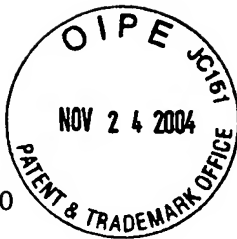
6. Please direct all further communications regarding this paper to:

Barbara G. McClung, Esq.
CYGNUS, INC.
Legal Department
400 Penobscot Drive
Redwood City, CA 94063
Telephone: 650-369-4300
Facsimile: 650-599-3913.

Date 24 Nov 2004

By: Gary R. Fabian
Gary R. Fabian, Ph.D.
Agent for Third Party Requestor
Registration No. 33,875

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Atty Dkt No. C011.02

FORM PTO-1449 (Modified)
LIST OF PATENTS AND PUBLICATIONS
FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT
(Use several sheets if necessary)
Sheet 1 of 5

RECEIVED
DEC 02 2004
TECHNOLOGY CENTER R3700

In the Application of Asano, Kaoru, et al.

Serial No.: 10/810,412

Art Unit: not yet assigned

Filed: 25 March 2004

Examiner: not yet assigned

Title: EXTRACTION DEVICE, ANALYZER, EXTRACTION METHOD, AND ANALYSIS METHOD

U.S. PATENT DOCUMENTS							
Exam. Init.	Ref. Desig.	Document No.	Date	Name	Class	Sub Class	Filing Date
	AA-1	5,279,543	18 JAN 1994	Glikfeld et al.	604	20	4/30/92
	AA-2	5,362,307	8 NOV 1994	Guy et al.	604	20	10/4/91
	AA-3	5,730,714	24 MAR 1998	Guy et al.	604	20	9/26/94
	AA-4	5,735,273	7 APR 1998	Kurnik et al.	128	635	9/12/95
	AA-5	5,771,890	30 JUN 1998	Tamada	128	635	6/24/94
	AA-6	5,827,183	27 OCT 1998	Kurnik et al.	600	345	10/29/97
	AA-7	5,954,685	21 SEP 1999	Tierney	604	20	5/24/96
	AA-8	6,023,629	8 FEB 2000	Tamada	600	347	11/10/97
	AA-9	6,141,573	31 OCT 2000	Kurnik et al.	600	345	8/4/98
	AA-10	6,144,869	7 NOV 2000	Berner et al.	600	347	5/11/99
	AA-11	6,180,416	30 JAN 2001	Kurnik et al.	436	518	9/30/98
	AA-12	6,201,979	13 MAR 2001	Kurnik et al.	600	345	3/13/00
	AA-13	6,233,471	15 MAY 2001	Berner et al.	600	345	5/11/99
	AA-14	6,272,364	7 AUG 2001	Kurnik	600	345	5/11/99
	AA-15	6,298,254	2 OCT 2001	Tamada	600	347	11/1/99

Examiner: _____ Date Considered: _____

EXAMINER: Initial if citation considered whether or not the citation conforms with MPEP609. Draw a line through the citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FORM PTO-1449 (Modified)
LIST OF PATENTS AND PUBLICATIONS
FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT
(Use several sheets if necessary)
Sheet 2 of 5

In the Application of Asano, Kaoru, et al.

Serial No.: 10/810,412

Art Unit: not yet assigned

Filed: 25 March 2004

Examiner: not yet assigned

Title: EXTRACTION DEVICE, ANALYZER, EXTRACTION METHOD, AND ANALYSIS METHOD

U.S. PATENT DOCUMENTS							
Exam. Init.	Ref. Desig.	Document No.	Date	Name	Class	Sub Class	Filing Date
	AA-16	6,299,578	9 OCT 2001	Kurnik et al.	600	309	9/18/97
	AA-17	6,309,351	30 OCT 2001	Kurnik et al.	600	309	8/28/00
	AA-18	6,326,160	4 DEC 2001	Dunn et al.	435	14	9/27/99
	AA-19	6,341,232	22 JAN 2002	Conn et al.	604	20	3/16/01
	AA-20	6,356,776	12 MAR 2002	Berner et al.	600	347	8/16/00
	AA-21	6,370,410	9 APR 2002	Kurnik et al.	600	345	1/18/01
	AA-22	6,393,318	21 MAY 2002	Conn et al.	604	20	5/11/99
	AA-23	6,438,414	20 AUG 2002	Conn et al.	604	20	11/30/01
	AA-24	6,529,755	4 MAR 2003	Kurnik et al.	600	345	12/6/01
	AA-25	6,542,765	1 APR 2003	Guy et al.	600	345	3/10/98
	AA-26	6,546,269	8 APR 2003	Kurnik	600	345	1/5/01
	AA-27	6,561,978	13 MAY 2003	Conn et al.	600	309	2/11/00
	AA-28	6,587,705	1 JUL 2003	Kim et al.	600	347	3/10/99
	AA-29	6,594,514	15 JUL 2003	Berner et al.	600	347	12/20/01
	AA-30	6,595,919	22 JUL 2003	Berner et al.	600	365	2/27/01

Examiner: _____ Date Considered: _____

EXAMINER: Initial if citation considered whether or not the citation conforms with MPEP609. Draw a line through the citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FORM PTO-1449 (Modified)
LIST OF PATENTS AND PUBLICATIONS
FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT
(Use several sheets if necessary)
Sheet 3 of 5

In the Application of Asano, Kaoru, et al.

Serial No.: 10/810,412

Art Unit: not yet assigned

Filed: 25 March 2004

Examiner: not yet assigned

Title: EXTRACTION DEVICE, ANALYZER, EXTRACTION METHOD, AND ANALYSIS METHOD

U.S. PATENT DOCUMENTS							
Exam. Init.	Ref. Desig.	Document No.	Date	Name	Class	Sub Class	Filing Date
	AA-31	6,653,091	25 NOV 2003	Dunn et al.	435	14	7/23/01
	AA-32	6,687,522	3 FEB 2004	Tamada	600	347	6/28/01
	AA-33	6,714,815	30 MAR 2004	Guy et al.	604	20	1/13/03
	AA-34	6,736,777	18 MAY 2004	Kim et al.	600	365	1/29/03

FOREIGN PATENT DOCUMENTS							
Exam. Init.	Ref. Desig.	Document No.	Publication Date	Country or Patent Office	Class	Sub Class	Translation YES NO
	AB-1						

Examiner: _____ Date Considered: _____

EXAMINER: Initial if citation considered whether or not the citation conforms with MPEP609. Draw a line through the citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FORM PTO-1449 (Modified)
LIST OF PATENTS AND PUBLICATIONS
FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT
(Use several sheets if necessary)
Sheet 4 of 5

In the Application of Asano, Kaoru, et al.

Serial No.: 10/810,412

Art Unit: not yet assigned

Filed: 25 March 2004

Examiner: not yet assigned

Title: EXTRACTION DEVICE, ANALYZER, EXTRACTION METHOD, AND ANALYSIS METHOD

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Exam. Init.	Ref. Desig.	Description
	AC-1	Chase, HP., et al., "Use of the GlucoWatch® Biographer in Children with Type 1 Diabetes", Pediatrics, 111(4):790-794 (2003)
	AC-2	Eastman, RC., et al., "Use of the GlucoWatch® Biographer in Children and Adolescents with Diabetes", Pediatric Diabetes, 3:127-134 (2002)
	AC-3	Erickson, D., "Skinside Out", Scientific American, November pages 128&130 (1991).
	AC-4	Garg, SK., et al., "Correlation of Fingerstick Blood Glucose Measurements with GlucoWatch™ Biographer Glucose Results in Young Subjects with Type 1 Diabetes", Diabetes Care, 22(10):1708-1714 (1999)
	AC-5	Glikfeld, P., et al., "Noninvasive Sampling of Biological Fluids by Iontophoresis", Plenum Publishing Corporation, 6(11):988-990 (1989).
	AC-6	Kurnik, R., et al., "Application of the Mixtures of Experts Algorithm for Signal Processing in a Non-invasive Glucose Monitoring System", Sensors and Actuators., 60(1):19-26 (1999).
	AC-7	Kurnik, R., et al., "Design and Simulation of a Reverse Iontophoretic Glucose Monitoring Device", J Electrochem Soc., 145(12):4119-4125 (1998).
	AC-8	Pitzer, KR., et al., "Detection of Hypoglycemia with the GlucoWatch® Biographer", Diabetes Care, 24(5):881-885 (2001)
	AC-9	Potts, R., et al., "Glucose Monitoring by Reverse Iontophoresis", Diabetes Metab Res Rev., 18(suppl 1):s49-s53 (2002).
	AC-10	Rao, G., et al., "Iontophoretic and Noninvasive Glucose Monitoring, Proceed Intern. Symp. Control Rel. Bioact. Mater., 21:13-14 (1994).
	AC-11	Tamada, J., et al., "Measurement of Glucose in Diabetic Subjects Using Non-invasive Transdermal Extraction", Nature Medicine, 1(11):1198-1201 (1995)
	AC-12	Tamada, JA., et al., "Keeping Watch on Glucose", IEEE Spectrum, Apr: pages 52-57 (2002)

Examiner: _____ Date Considered: _____

EXAMINER: Initial if citation considered whether or not the citation conforms with MPEP609. Draw a line through the citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FORM PTO-1449 (Modified)
LIST OF PATENTS AND PUBLICATIONS
FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT
(Use several sheets if necessary)
Sheet 5 of 5

In the Application of Asano, Kaoru, et al.

Serial No.: 10/810,412

Art Unit: not yet assigned

Filed: 25 March 2004

Examiner: not yet assigned

Title: EXTRACTION DEVICE, ANALYZER, EXTRACTION METHOD, AND ANALYSIS METHOD

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Exam. Init.	Ref. Desig.	Description
	AC-13	Tamada, JA., et al., "Noninvasive Glucose Monitoring: Comprehensive Clinical Results", <i>JAMA</i> , 282(19):1839-1844 (1999)
	AC-14	Tierney, M., "Transdermal Glucose Monitoring Opens a New Age of Diabetes Management", <i>IVD Technology</i> , 9(4):51-56 (2003)
	AC-15	Tierney, M., et al., "A Non-invasive Glucose Monitor: The GlucoWatch® Biographer", <i>The Biochemist</i> , 23(6):17-19 (2001).
	AC-16	Tierney, M., et al., "Clinical Evaluation of the GlucoWatch® Biographer: A Continual, Non-invasive Glucose Monitor for Patients with Diabetes", <i>Biosensors & Bioelectronics</i> , 16:621-629 (2001).
	AC-17	Tierney, M., et al., "Effect of Acetaminophen on the Accuracy of Glucose Measurements Obtained with the GlucoWatch Biographer", <i>Diabetes Technology & Therapeutics</i> , 2(2):199-207 (2000)
	AC-18	Tierney, M., et al., "Electroanalysis of Glucose in Transcutaneously Extracted Samples", <i>Electroanalysis</i> , 12(9):666-671 (2000)
	AC-19	Tierney, M., et al., "The GlucoWatch® Biographer: A Frequent, Automatic and Noninvasive Glucose Monitor", <i>Annals Med</i> , 32(9):632-641 (2000)
	AC-20	Uhegbu, C., et al., "Management of Interferences in a Transdermal, Noninvasive Glucose Monitoring Device", <i>Clinical Chemistry</i> , 45(9):1679-1681 (1999)

Examiner: _____ Date Considered: _____

EXAMINER: Initial if citation considered whether or not the citation conforms with MPEP609. Draw a line through the citation if not in conformance and not considered. Include copy of this form with next communication to applicant.